

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:06CR34

UNITED STATES OF AMERICA

vs.

TAFT WASHINGTON LANEY

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ORDER

THIS MATTER is before the Court on a letter received from the Defendant on January 15, 2008, which is construed by the Court as a motion to extend the time for filing an appeal and as a *pro se* notice of appeal of Defendant's conviction and sentence.

The Rules of Appellate Procedure provide that in a criminal case,

[u]pon a finding of excusable neglect or good cause, the district court may . . . extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed [by this Rule].

Fed. R. App. P. 4(b)(4).

On August 31, 2007, this Court sentenced the Defendant to a term of 120 months imprisonment for a violation of 18 U.S.C. § 922(g)(1),

possession of a firearm by a felon. **See Judgment in a Criminal Case, filed September 25, 2007.** No notice of appeal was filed.

The Defendant presents no reason for his failure to timely appeal his case. Even if he did so, it would be outside the 30-day period provided by Rule 4. Therefore, the Court has no jurisdiction to extend the time for this Defendant to file his notice of appeal.

IT IS, THEREFORE, ORDERED that the Defendant's letter is construed as a motion to extend time for filing appeal, and the same is **DENIED** for lack of jurisdiction.

IT IS FURTHER ORDERED that the Defendant's letter is also construed as a *pro se* notice of appeal and, should the Fourth Circuit entertain Defendant's appeal, the appointment of appellate counsel is hereby respectfully referred to that Court.

Signed: January 18, 2008



Lacy H. Thornburg
United States District Judge

